

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 20 July 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Environmental Resources

Staff Contact: Ralph Goulby

AGENDA ITEM WORDING:

Approval for a Grant of Conservation Easement for Pt Tract B, Boca Chica Ocean Shores, Geiger Key, Monroe County, Florida RE# 00144290-000000.

ITEM BACKGROUND: None

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: None

STAFF RECOMMENDATIONS: Approval

TOTAL COST: \$44.00

BUDGETED: Yes N/A No

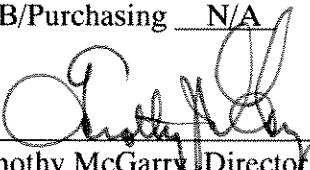
COST TO COUNTY: None

SOURCE OF FUNDS: Habitat for Humanity

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:



Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

Grant of Conservation Easement

THIS AGREEMENT is made this _____ day of _____, 20____ by and between

Donald I. Appleby & Aleeha Appleby

whose address is 15 Geiger Rd., Geiger Key, FL

County of Monroe State of Florida, (Grantor) and Monroe County, a political subdivision of the State of Florida, whose address is 5100 College Road, Stock Island, Key West, FL 33040 (Grantee).

The parties recite and declare:

The Grantor is the owner of certain real property commonly known as

Boca Chica Ocean Shores Pt Tract B (the servient estate),

more particularly described as follows: (Legal description) Pt Tract B Boca Chica Ocean Shores, Geiger Key, as recorded in Plat Book 5 Page 4 of the Public Records of Monroe County, Florida; RE #00144290-000000

The Grantor desires to develop the servient estate as (describe project):

A single family residence as shown in Monroe County building permit #041-301.

The servient estate contains (describe relevant natural features):

Bordering Red Flag Mangrove Wetlands

The Grantee is a general purpose political subdivision of the State authorized and required to regulate and control the use of real property through land development regulations in order to protect the public health, safety and welfare. Sec. 9.5-336 of the Grantee's land development regulations requires that

certain areas of the servient estate be retained as open space and preserved in their natural condition if the servient estate is to be developed as a single family residence.

The parties agree as follows:

1. Grant of easement.

In consideration for a development permit for a single family residence (#041-301) and in order to comply with Sec. 9.5-336, Monroe County Code, the Grantor hereby grants to Grantee the easement described below.

2. Character of the easement and governing law.

This easement is a conservation easement under Sec. 704.06, Fla. Stat. and is to be governed by, construed and enforced in accordance with that statute and with the applicable laws of the State of Florida.

3. Location of the easement. (metes and bounds description of the open space area)

a. The conservation easement is located as follows

A 25 foot wide wetland setback buffer area from southernmost property line with the exception of the existing shed and driveway as shown in exhibit 'A'.

b. The location of the easement is also described in the diagram attached to this instrument as Exhibit "A" and, by reference, made a part of as fully and to the same effect as if set forth in this instrument in its entirety.

4. Restraints imposed by the Conservation Easement.

The conservation easement granted by this instrument imposes the following restrictions on the future use of the servient estate within the easement area:

a. No removal, trimming or pruning of trees, shrubs, or other vegetation (except non-native vegetation whose removal is authorized by the Grantee's biologist).

b. No acts that are detrimental to wildlife or wildlife habitat preservation.

c. No excavation, dredging, or removal of loam, peat gravel, soil, rock, or other material substances in such manner as to affect the surface.

d. No activities detrimental to drainage, flood control, water conservation, erosion control and soil conservation.

- e. No dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

f. *No planting of non-native plants.*

5. Terms and persons bound.

This conservation easement is perpetual, runs with the land and is binding on all present and subsequent owners and mortgagees of the servient estate. Grantor represents that the mortgagee(s), if any, whose consent is attached hereto, is (are) the only mortgagee(s) having a security interest in the servient estate.

6. Entire Agreement.

This agreement constitutes the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this agreement is not binding upon either party except to the extent incorporated in this Agreement.

7. Modification of Agreement.

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement is binding only if evidenced in writing and signed by an authorized representative of each party and by any mortgagee.

8. Attorney's fees.

In the event of any controversy, claim or dispute arising under this instrument, the prevailing party is entitled to recover reasonable attorney's fees and costs.

9. Entry of Grantee's representative on the servient estate.

The Grantee's representative on the servient estate, after first furnishing the Grantor no less than 24 hours notice, shall have the right of entry for the purposes of inspection to determine grantor's compliance with the provisions of this Agreement.

10. Notice.: Any notice provided for or concerning this Agreement must be in writing and is sufficiently given when sent by certified or registered mail, or via an equivalent service furnished by a private carrier, to the respective address of each party as set forth at the beginning of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first
above written.

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA (Grantee)

By Murray & Nelson
Mayor/Chairman

William T. Loewy
Signature of witness

WILLIAM T. LOEWY
Printed name of witness

Robert L. Henderson
Signature of witness

Robert L. Henderson
Printed name of witness

Donald J. Appleby
Grantor

DONALD J. APPLEBY
Printed name of Grantor

Aleasha Appleby
Grantor

Aleasha Appleby
Printed name of Grantor

STATE OF FLORIDA
COUNTY OF MONROE

BEFORE ME, the undersigned authority, personally appeared Donald J. Appleby
and Aleasha Appleby, who are personally known to me, or have produced
A141-190-46-305-0 and A141-018-64-518-0, respectively
as identification. FL. DL.

Sworn to and subscribed before me this 13th day of May, 2004.

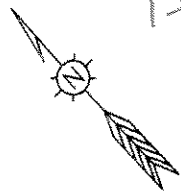
HELENA MYERS
Typed Notary Name and Number

HELENA MYERS
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD103891
EXPIRES 05/18/2006
BONDED THRU 1-888-NOTARY1

Helena Myers
Notary Signature and Seal

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Kerry L. Hillis
Date: 7.1.05

Exhibit "A"

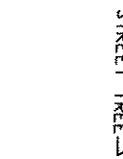


SITE PLAN

1" = 20'-0"

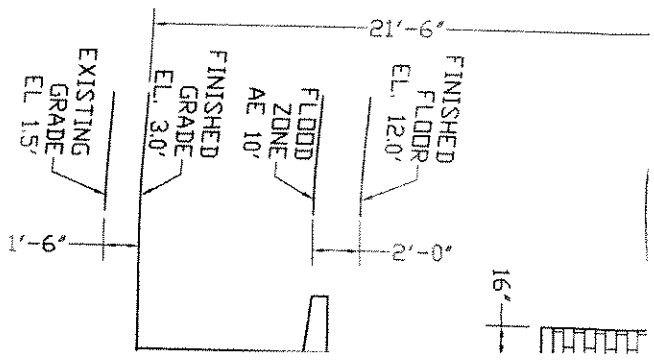
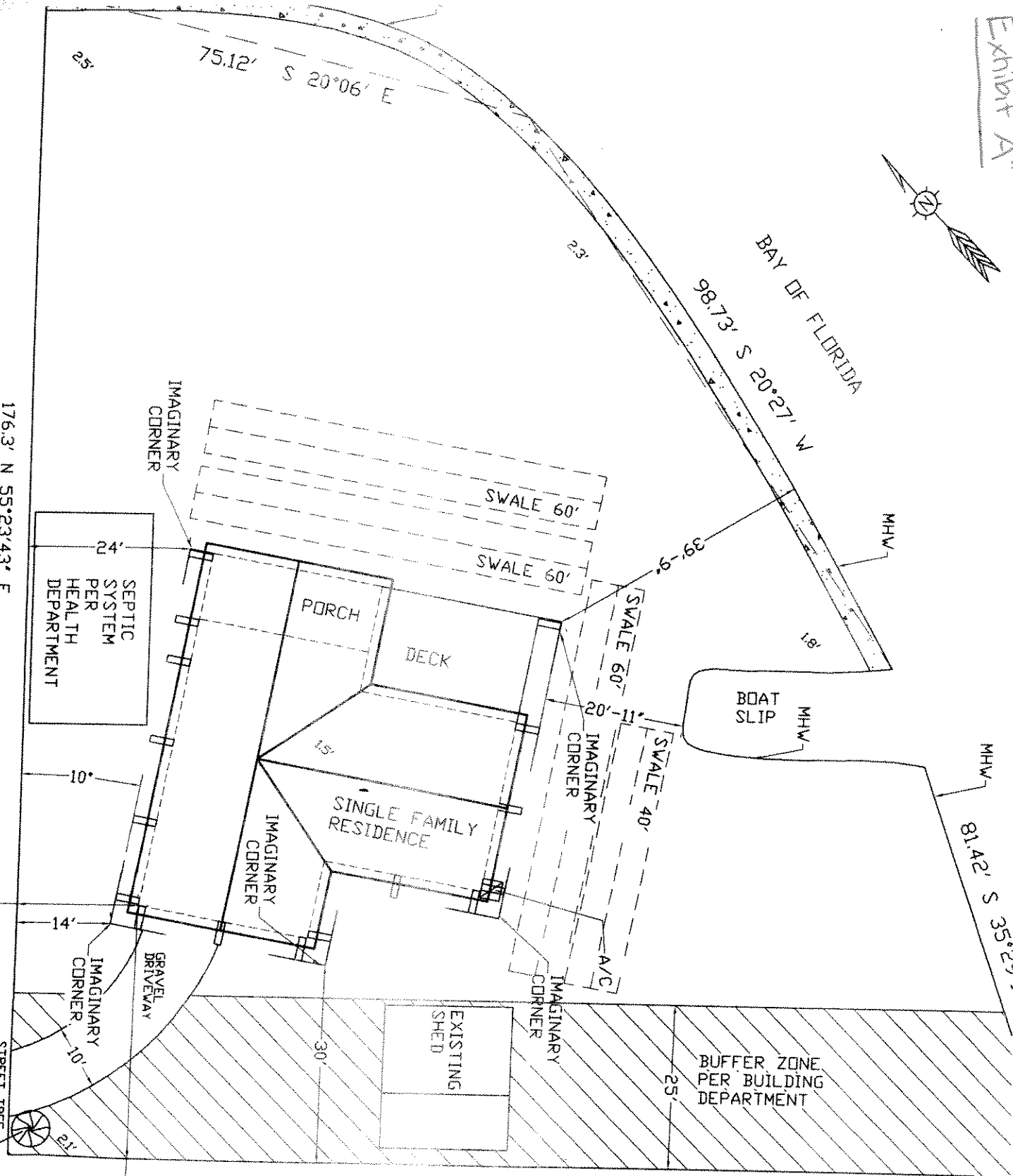
OLD STATE ROAD 4-A

18'-1" HOUSE CORNER



TYPICAL
WIDTH
VINDL
DR DO

176.3' N 55°23'43" E



Monroe County Property Record Card (099)

Alternate Key: 1185647
Effective Date: 7/1/2005 10:31:23 AM
Roll Year 2005
Run: 07/01/2005 10:31 AM

APPLEBY DONALD J & ALEEHA V	Parcel	00144290-000000-26-67-26	Nbhd	201
15 GEIGER ROAD	Alt Key	1185647	Mill Group	100B
KEY WEST FL 33040	Affordable Housing No		PC	02
	Inspect Date		Next Review	
	Business Name			
	Physical Addr	15 GEIGER RD , BOCA CHICA		

Associated Names	
Name	DBA
APPLEBY DONALD J & ALEEHA V,	
	Owner

Legal Description
BOCA CHICA OCEAN SHORES GEIGER KEY PB5-49 PT TRACT B OR419-772 OR420-987-E OR650-136 OR759-741 OR793-1722 OR1038-378/379(JMH)OR1248-1517/40FJ(JB)
OR1249-1911/13Q/C(JMH) OR1338-1716/20ORD(JB) OR1458-2135/36Q/C(JMH) OR1499-2236/37Q/C(JMH)

Land Data 1.									
Line ID	Use	Front	Depth	Notes	# Units	Type	Rate	Depth	Loc
20983	010W	0	0	Yes	11,000.00	SF		1.00	1.00
								1.00	1.00
									N
Total Just Value									

Alternate Key: 1183847 Roll Year: 2003
Effective Date: 7/1/2005 10:31:23 AM Run: 07/01/2005 10:31 AM

The diagram shows a three-story building layout. The top floor (Level 3) contains a large room labeled 'FLA.' with dimensions 14 FT. by 60 FT., and a smaller room labeled 'SBF' with dimensions 12 FT. by 24 FT. The middle floor (Level 2) contains a large room labeled 'CPU' with dimensions 27 FT. by 27 FT., and a smaller room labeled 'CPU' with dimensions 8 FT. by 12 FT. The bottom floor (Level 1) contains a large room labeled 'FLA.' with dimensions 14 FT. by 60 FT., and a smaller room labeled 'CPU' with dimensions 8 FT. by 12 FT. The building is oriented with the top floor at the top and the bottom floor at the bottom.

Building Characteristics									
Building Nbr	1	Building Type		R1	Perimeter	150	Grnd Floor Area		848
Effective Age	7	Condition		G	Depreciation %	0.07	Functional Obs		0.00
Appraiser ID	096	Quality Grade		400	Year Built	2003	Economic Obs		0.00
Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.									
Roof Type	2	Roof Cover	2	Heat 1	0	Heat 2	0	Heat Src 1	0
Extra Features:		2 Fix Bath	0	4 Fix Bath	0	6 Fix Bath	0	Extra Fix	0
		3 Fix Bath	0	5 Fix Bath	0	7 Fix Bath	0	Dishwasher	0
Sections									
Type	Number	Exterior Wall Type		# Stories	Year Built	Attic	Basement %	Finished Bsmt %	Area
FLA	1	11:VINYL SIDING		1	2002	N	0.00	0.00	848
OPU	2	0:		1	2002	N	0.00	0.00	216
SBF	3	0:		1	2002	N	0.00	0.00	288

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Miscellaneous Improvements											
Nbr	Impr Type	# Units	Type	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
10	UB2:UTILITY BLDG	48	SF	6	8	2003	2004	2	50		
5	SW2:SEAWALL	525	SF	175	3	1975	1976	2	60		
7	CL2:CH LINK FENCE	948	SF	158	6	1967	1968	1	30		
8	DK3:CONCRETE DOCK	525	SF	175	3	1976	2004	2	60		
9	CL2:CH LINK FENCE	480	SF	120	4	1968	2004	1	30		
Total Depreciated Value											

Appraiser Notes

TORNADO DAMG GR FL OCCUPIED 1983 RESKETCHED AND ADDED MISC.12/16/91 (005) HURRICANE DAMAGE 1998. 2001-01-03 DELETED THE SFR AND MISC.AND CHANGED THE PC TO 00 THE OWNER HAS NOT COMPLETELY REBUILT SINCE THE HURRICANE.DUG. 2003/4/22 NEW SFR BY NOV2003 FOR 2004 TX ROLL PER DOUG.JHP 2004-06-02 ADD NEW SFR-TEMPORARY MOBILE HOME FOR 2004 TAX ROLL
new modular has been set, nothing is demo'd - leave card alone for 1/1/05

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	982749	Jul 19 1999 12:00AM	Jan 1 2001 12:00AM	20,000	Residential	DEMOLITION
	03-4516	Oct 7 2003 12:00AM	Jun 2 2004 12:00AM	1,500		TEMPORARY TRAILER
	04-0301	Feb 20 2004 12:00AM		130,000		REPLACE M.H. W/SFR

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Value History									
Tax Year	Val Method	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Tax Value
2004F	C	220,000		85,541	7,718	313,259	313,259	313,259	0
2003F	C	99,000		0	4,265	103,265	103,265	103,265	0
2002F	C	99,000		0	4,395	103,395	103,395	103,395	0
2001F	C	71,500		0	4,459	75,959	75,959	75,959	0
2000F	C	71,500		67,590	26,285	165,376	165,376	165,376	0
1999F	C	49,500		61,626	24,194	135,320	135,320	135,320	0
1998F	C	49,500		57,651	9,432	116,583	116,583	116,583	0
1997F	C	49,500		49,699	8,316	107,515	107,515	107,515	0
1996F	C	49,500		45,723	6,653	101,876	101,876	0	101,876
1995F	C	49,500		45,723	6,742	101,965	101,965	0	101,965
1994F	C	49,500		45,723	6,871	102,094	102,094	0	102,094
1993F	C	49,500		39,759	5,628	94,887	94,887	94,887	0
1992F	C	49,500		39,759	5,702	94,961	94,961	94,961	0
1991F	C	49,500		34,501	2,301	86,302	86,302	86,302	0
1990F	C	23,375		34,501	2,301	60,177	60,177	60,177	0
1989F	C	21,175		31,365	2,301	54,841	54,841	54,841	0
1988F	C	13,200		27,396	2,301	42,897	42,897	42,897	0
1987F	C	13,200		27,031	2,301	42,532	42,532	42,532	0
1986F	C	13,200		27,182	2,301	42,683	42,683	42,683	0
1985F	C	39,493		26,010	2,301	67,804	67,804	67,804	0
1984F	C	39,493		24,382	2,301	66,176	66,176	66,176	0
1983F	C	39,493		24,382	2,301	66,176	66,176	66,176	0
1982F	C	39,493		43,124	2,301	84,918	84,918	84,918	0

Sales History				
Book	Page	Sale Date	Instrument	Sale Price
793	1722	2/1/1976	Conversion Code	44,000

Exemptions			
Code	Description	Value	Amount Applied
24	24 - TOTAL EXEMPT VETS	1997	100.00